

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

ORIGINAL

Docket No. 00-0236
ICC Office Use Only

TallGrass Communications, LLC

Application For A Certificate Of
Local And Interexchange Authority
To Operate As Both A Reseller And A Facilities
Based Carrier Of Telecommunications
Services Throughout The State Of Illinois.

ILLINOIS
COMMERCE COMMISSION
MAR 24 12 34 PM 00
CHIEF CLERK'S OFFICE

APPLICATION FOR CERTIFICATE TO BECOME A
TELECOMMUNICATIONS CARRIER

GENERAL

- Applicant's Name(including d/b/a, if any) FEIN # 36-4342803
TallGrass Communications Inc.
70 East Lake Street, 7th Floor
Chicago, Illinois, 60601
- Authority Requested: (Mark all that apply) x 1 3 - 4 0 3 x 13-404 X 13-405
- Request for **waivers/variances**: In applications for exchange service authority under Sections 13-404 or 13-405, waivers of Part 710 and of Section 735.180 of Part 735 are generally requested. In applications for interexchange service authority under Sections 13-403 and 13-404, waivers of Part 710 and Part 735 are generally requested. Please indicate which waivers Applicant is requesting.

X Part 710 Part 735 X Section 735.180 Other

TallGrass intends to comply with all Illinois administrative rules applicable to the services offered by TallGrass. However, because TallGrass' size and lack of market power, TallGrass requests waivers/variances from certain administrative code provisions.

Specifically, TallGrass requests a waiver of 83 Ill. Adm. Code Part 710 which requires companies to follow the Uniform Systems of Account ("USOA"). TallGrass intends to maintain its books and records in accordance with Generally Accepted Accounting principles ("GAAP") for all purposes. Because GAAP accurately reflects the operations of TallGrass, it is an alternative methodology that will be consistent with the principles of the USOA. The Commission will still be able to fully monitor the operations of TallGrass and TallGrass will be able to comply with all applicable Commission requirements. TallGrass notes that the Commission has previously granted similar waivers to other competitive local exchange carriers. (See, for example, ICC Order in Docket 93-0409, July 20, 1994).

Further, TallGrass requests that the Commission grant it a waiver of 83 Ill. Adm. Code Section 735.180 which requires that it publish and distribute directories to its customers. In the event TallGrass elects to provide basic local exchange service at some point in the future, TallGrass will make arrangements to have its customers listed in the directories published by the incumbent local exchange carriers with which it competes.

- In what area of the state does the Applicant propose to provide service?

TallGrass will initially focus its service offerings in the Illinois exchanges presently served by Illinois Bell Telephone Company ("Ameritech Illinois") and GTE North Incorporated and GTE South Incorporated of Illinois ("GTE of Illinois"). TallGrass will initially focus on second and third tier cities in those incumbent local exchange carriers' territories. However, TallGrass may seek to enter other markets in Illinois as market conditions warrant. As a result, TallGrass is requesting a certificate of local exchange and interexchange authority to operate as both a reseller and a facilities-based carrier of telecommunications services throughout the state of Illinois as permitted by the Commission and other applicable law.

5. Please attach a sheet designating contact persons to work with Staff on the following:

- a) issues related to processing this application
- b) consumer issues
- c) customer complaint resolution
- d) technical and service quality issues
- e) "tariff" and pricing issues
- f) 9-1-1 issues
- g) security/law enforcement

Please identify each contact person's (i) name, (ii) title, (iii) mailing address, (iv) telephone number, (v) facsimile number, and (vi) e-mail address, if any.

For questions regarding any of the above mentioned issues, please contact:

Mr. Peter Lynch
Chief Executive Officer
TallGrass Communications, LLC
70 East Lake Street, 7th floor
Chicago, IL 60601
Tel (312) 236-0575
Fax (312) 236-0381
pslynch@earthlink.net

6. Please check type of organization?

- ☐ Individual
- ☐ Partnership
- ☒ Corporation
- ☐ Other (Specify)

Date Corporation was formed January 26, 2000

State of Incorporation? Delaware

7. Submit a copy of articles of incorporation and a copy of certificate of authority to transact business in Illinois.

A copy of the Delaware Articles of Incorporation and Illinois Certificate of Authority are attached as Exhibit 1 to TallGrass' prefiled testimony in this proceeding.

8. List jurisdictions in which Applicant is offering service(s).

Applicant is not currently offering services in any other jurisdiction.

9. Has the Applicant, or any principal in Applicant, been denied a Certificate of Service or had its certification revoked or suspended in any jurisdiction in this or another name?

_____ YES (Please provide details) X NO

10. Have there been any complaints against the Applicant in any other jurisdiction?

_____ YES X NO

If YES, describe fully. Not Auulicable

11. Will the Applicant keep its books and records in Illinois? X YES _____ NO

If NO, permission pursuant to 83 Ill. **Administrative** Code Part 250 needs to be requested.

MANAGERIAL

12. Please attach evidence of the applicant's managerial and technical resources and ability to provide service. This may be in either narrative form, resumes of key personnel, or a combination of **these** forms.

Please refer to Section II and Exhibit 2 of TallGrass' uretiled testimony in this proceeding for evidence of the applicant's managerial and technical resources and ability to provide service.

13. List **officers** of Applicant.

For a list of TallGrass' officers, please refer to Exhibit 2 of TallGrass' uretiled testimony in this proceeding.

14. Does any officer of Applicant have an ownership or other interest in any other entity which has provided or is currently providing **telecommunications** services? X YES _____ NO

If YES, list entity.

Mr. Peter Lynch, TallGrass' President and Chief Executive Officer, currently owns a de minimus number of Cox Communications shares.

Mr. Stephen M. Lee, TallGrass' Vice President of Strategic Business Development, acquired stock in 21" Century Telecom of Illinois, Inc. while an employee at that company. His ownership interest is de minimus.

Mr. Jack McHale, TallGrass' Vice President of Marketing and Sales, currently owns a de minimus number of Bell Atlantic shares.

15. How will Applicant bill for its service(s)?

TallGrass will bill the customer directly on a monthly basis. The monthly bill will itemize the charges for calls, services and enhanced features for which payment is due. The customer is responsible for the payment of all charges for facilities and services provided by TallGrass to the customer and to all users authorized by the customer. Specific billing procedures will be governed by tariff and/or contract and such procedures will fully comply with Commission rules and regulations.

- 16 How does Applicant propose to handle service, billing, and repair complaints?

Customers may complain about service, billing and repair by any of three methods:

1. Customers may write TallGrass at the address which will be on the bill.
2. Customers may call TallGrass using a toll free number which will be on the bill. and/or
3. Customers may convey their complaints to TallGrass via the internet.

TallGrass will also advise its customers that they have the option to express concerns about TallGrass to the Illinois Commerce Commission. The address, telephone number and facsimile number of the Commission will be provided to the customers.

- 17 Will personnel be available at Applicant's business office during regular working hours to respond to inquiries about service or billing? X YES NO

18. What telephone number(s) would a customer use to contact your company?

Once operations commence, TallGrass will secure toll free number(s) to allow a customer to contact TallGrass. Currently, TallGrass can be contacted by calling 312-236-0575.

19. What are your procedures to prevent unauthorized "slamming" of customers?

TallGrass will provide Digital Subscriber Line services over special lines to Internet related companies, telecommunications carriers, businesses and residential multi-dwelling units/multi-tenant units. TallGrass will have no need to authorize any changes in a customer's primary interexchange or local exchange carrier at any time. Should TallGrass change its business strategy and begin offering basic local exchange voice services, TallGrass will comply with all federal and state regulations intended to prevent unauthorized "slamming" if customers.

20. If granted authority to operate as a local exchange carrier, will the applicant abide by the following 83 Illinois Administrative Code Parts: 705, 710, 720, 725, 735, 755, 756, 757, 770, and 772?

X YES*

NO (If no, please provide an explanation.)

*TallGrass is requesting a waiver/variance from Part 710 and Section 735.180 (see Paragraph 2). Further, since TallGrass will initially offer Digital Subscriber Line services over special lines TallGrass will comply with all 83 Illinois Administrative Code Parts applicable to these services. To the extent TallGrass subsequently decides to provide basic local exchange voice services, TallGrass will do so through resale or otherwise through its own facilities and the facilities of other carriers and will comply with all 83 Illinois Administrative Code Parts applicable to basic local exchange voice services.

21. Will the applicant sign and return membership forms to the Universal Telephone Assistance Corporation and the Illinois Telecommunications Access Corporation? X YES NO

Please see Exhibits 4 and 5 to TallGrass' prefiled testimony in this proceeding.

FINANCIAL

22. Please attach evidence of applicant's financial fitness through the submission of its most current income statement and balance sheet, or other appropriate documentation of applicant's financial resources and ability to provide service.

TallGrass is submitting, as Exhibit 3 to its prefiled testimony, evidence of its financial fitness. This financial information is confidential and proprietary. It is being submitted under seal and TallGrass requests that this information not be disclosed to any party prior to that party signing a non-disclosure agreement with TallGrass.

TECHNICAL

23. Does Applicant utilize its own equipment and/or facilities? ☒ YES ☐ NO

If YES, please list:

TallGrass will utilize its own equipment and facilities in conjunction with unbundled network elements acquired from incumbent local exchange carriers and facilities of other competitive local exchange carriers. Initially, TallGrass will purchase unbundled network elements which will be connected to TallGrass' Digital Subscriber Line equipment collocated in strategic central offices. TallGrass will lease transport facilities from other telecommunications carriers as necessary. Further, if necessary to satisfy customer demand, TallGrass will engage in the resale of telecommunications services of other local exchange carriers.

If NO, which facility provider(s)'s services does Applicant use?

24. Please describe the nature of service to be provided (e.g., operator services, internet, debit cards, long distance service, local service).

TallGrass will provide Digital Subscriber Line services to Internet related companies, telecommunications carriers, businesses and residential multi-dwelling units/multi-tenant units. The Digital Subscriber Line services will allow the customer to transmit data at higher speeds than currently available with 56 Kbus modems.

25. Will technical personnel be available at all times to assist customers with service problems? ☒ YES ☐ NO

26. If Applicant intends to provide payphone service, will the equipment utilized comply with FCC requirements and Finding (9) of the Commission Order entered in Docket No. 84-0442 on June 11, 1986, including, but not limited to: (a) touch dialing; (b) access to 9-1-1 and "0" operator dialing without use of a coin; (c) rules governing use of payphones by disabled persons; (d) ability to complete local and long-distance calls; (e) unlimited duration for local calls; and (f) a message explaining the telephone's general operations, dialing instructions for emergency assistance, payphone owner's name, method of reporting service problems and method of receiving credit for faulty calls?

☐ YES

☐ NO

☒ NOT APPLICABLE TallGrass does not intend to provide payphone service.

Peter D. Grah, Pres & CEO
(Name and Title)
March 22, 2000
(Date)

VERIFICATION

This application shall be verified under oath.

OATH

state of ILLINOIS)
county of COOK)ss

Peter Lynch makes oath and says **that** he is President and Chief Executive Officer
(Insert here the name of **affiant**) (Insert the **official** title of the **affiant**)

of TALLGRASS COMMUNICATIONS, INC.
(Insert here the exact legal title or name of the Applicant)

that he has examined the foregoing application and that to the best of his knowledge, information, and belief, all statements of fact contained in the said application are true, and the said application is a correct statement of the business and affairs of the above-named applicant in respect to each and every matter set forth therein.

(Signature of affiant)

Subscribed and sworn to before me, a Notary Public/ Notary Public
(Title of person authorized to administer oaths)

in the State and County above named, this 22nd day of March, 2000.

Murray L. Barr
(Signature of person authorized to administer oath)

